

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff,

v.

ERIC MONCADA; BES CAPITAL LLC; and
SERDIKA LLC.

Defendant(s).

)
)
)
) Civil Action No. 12-cv-8791 (CM)
) (GWG)
)
) **AFFIDAVIT IN SUPPORT OF**
) **APPLICATION FOR**
) **CERTIFICATE OF DEFAULT**
) **UNDER F.R.C.P. 55(a) AND**
) **S.D.N.Y. LOCAL RULE 55.1**
)
)

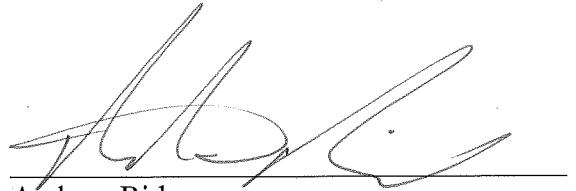
I, Andrew Ridenour, hereby declare as follows:

1. I am employed as a Trial Attorney by the Division of Enforcement of the
Commodity Futures Trading Commission ("Commission"), located at 1155 21st
Street NW, Washington, DC 20581.
2. I submit this affidavit in support of the Commission's application to the Clerk of
Court for a certificate of default against defendants Serdika LLC ("Serdika") and
BES Capital LLC ("BES").
3. Serdika and BES are limited liability companies. As such, they are not infants,
incompetents, or in the military.
4. Serdika and BES have been properly served with true copies of the Complaint
(Dkt. No. 1), as follows:
 - a. On Serdika through personal service on its registered agent, Registered Office
Service Co., on December 7, 2012, and proof of such service was filed by the
Commission on December 20, 2012 (Dkt. No. 5); and

- b. On BES by personal service on its managing member, Cary Krumholtz, on January 16, 2013, and proof of such service was filed by the Commission on February 22, 2012 (Dkt. No. 15).
5. Neither Serdika nor BES has filed any responsive pleadings in the above-captioned action or otherwise defended the action. (See generally, Docket). More than 21 days have elapsed since Serdika and BES were served with copies of the Complaint.
6. Counsel for defendant Eric Moncada, Richard Asche, represented Serdika and BES during the Commission's investigation. Mr. Asche has represented to me that Serdika and BES are defunct and have ceased operations.

I declare under penalty of perjury that I am over the age of eighteen years, and this information is true.

May 30, 2013
Date



Andrew Ridenour
Trial Attorney
U.S. COMMODITY FUTURES TRADING
COMMISSION
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